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July 15, 2003

Via Facsimile (561-651-7325)

Mr. Stuart C. Fisher
173 Root Trail
Palm Beach, FL 33480

RE: Wyndholme Village, LLC, *et al.*
v. NADIF of Wyndholme, LLC, *et al.*

Dear Mr. Fisher:

As you are aware, we were in New York City yesterday deposing Howard Zukerman. The Court, by Order dated June 16, 2003 (entered June 16, 2003, Paper No. 62), directed that you respond to Plaintiffs' Interrogatories and that you "submit to a deposition, to be taken at the time and location chosen by Plaintiffs, subject to the deadlines described below". In the Order, the Court also extended the deadline for discovery in this case until July 16, 2003.

We have noted your deposition on three occasions. On the first two, I personally spoke to you and advised you of those dates. I also offered, early on, to conduct your deposition wherever it was that you were, but you said that you were leaving for Ireland imminently. We mailed each of the deposition notices to the address on file with the Court.¹ On June 17, 2003, we mailed you copies of the Court's Order of June 16, 2003, a copy of the Notice of Deposition and the outstanding Interrogatories. None of the

¹I have no recollection or notation that you provided me with the Santa Monica address or phone number. You did not notify the Court that this was your address. We attempted to reach you shortly after we mailed a Notice of Deposition to you on June 17, 2003 via your prior cell phone number to learn that it was no longer in use by you.

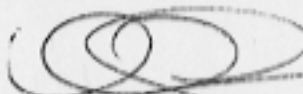
Mr. Stuart C. Fisher
July 15, 2003
Page 2

mailings have been returned to us. Mr. Zukerman testified at deposition yesterday that he has been in contact with you on a routine basis throughout the course of this case, including the last six months, to discuss strategy about the case and that you were aware that we had been seeking to take your deposition. This is not the first time that you have "thumbed your nose" at a court. Thus, it is with great skepticism that I view any claim by you that you are unable to travel for medical reasons.

Our position is as follows. I have reserved July 17, 2003, commencing at 9:00 a.m., for your deposition here in Baltimore, Maryland, a date previously reserved for Mr. Zukerman's deposition. If you are able to make arrangements to be here at that time or even somewhat later that day, please advise us before noontime tomorrow. If you are unable to make such travel arrangements or have a legitimate reason for not being able to be here in Baltimore for deposition on Thursday, July 17, 2003, it is incumbent upon you to make the necessary application to the Court for an extension of the discovery deadline for you to be deposed. If you do not appear on Thursday or move forthwith for an extension of the discovery deadline, we will move for sanctions against you as well as NADIF of Wynholme, LLC and WV I, LLC.

Thank you.

Very truly yours,



Howard J. Schulman

HJS/hrk

cc: Mr. Stuart C. Fisher, 164 Seminole Avenue, Palm Beach, FL 33480

Mr. James M. Lancelotta

William C. Sammons, Esquire *via facsimile (410-727-5460) and first-class mail*
with copy of Fisher fax of July 13, 2003